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Case 1:08-cv-01989

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APRIL 21, 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

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4-7-2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

Ellis PARTEE #A15421

(Full name and prison number)

(Include name under which convicted)

PETITIONER

vs.

Donald Hulick

(Warden, Superintendent, or authorized
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank only if judgment
attacked imposes a sentence to commence in the
future)

ATTORNEY GENERAL OF THE STATE OF

Illinois

(State where judgment entered)

**08CV1989
JUDGE GETTLEMAN
MAG. JUDGE KEYS**

Case Number of State Court Conviction:

06 CR 4620-01

PETITION FOR WRIT OF HABEAS CORPUS - PERSON IN STATE CUSTODY

1. Name and location of court where conviction entered: Cook County Circuit Court

2. Date of judgment of conviction: December 8, 2006

3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)

Burglary

4. Sentence(s) imposed: 7 YEARS

5. What was your plea? (Check one)

(A) Not guilty

(B) Guilty

(C) Nolo contendere

☒

☐

☐

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

PART I -- TRIAL AND DIRECT REVIEW

1. Kind of trial: (Check one): Jury ☒ Judge only ()
2. Did you testify at trial? YES () NO ☒
3. Did you appeal from the conviction or the sentence imposed? YES ☒ NO ()

(A) If you appealed, give the

- (1) Name of court: Appellate Court of Illinois, First Judicial District
- (2) Result: State Actors conspired to delay appeal (record
- (3) Date of ruling: of appeal not certified or produced).
- (4) Issues raised: _____
- _____
- _____

(B) If you did not appeal, explain briefly why not:

Appointed counsel in collusion with prosecutors, state court
judges, and others to delay appeal until issues are moot.

4. Did you appeal, or seek leave to appeal, to the highest state court? YES () NO ☒

(A) If yes, give the

- (1) Result _____
- (2) Date of ruling: _____
- (3) Issues raised: _____
- _____
- _____

(B) If no, why not: issues never briefed by counsel - denied appeal

5. Did you petition the United States Supreme Court for a writ of certiorari? Yes () No ☒

If yes, give (A) date of petition: _____ (B) date certiorari was denied: _____

PART II - COLLATERAL PROCEEDINGS

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES ☒ NO ()

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

- A. Name of court: Circuit Court of Cook County - Criminal Division
- B. Date of filing: July 31, 2007
- C. Issues raised: State suppressed documents of newly discovered evidence relative to deliberately fabricated testimony told to the jury to deprive petitioner of liberty through →
- D. Did you receive an evidentiary hearing on your petition? YES () NO ☒
- E. What was the court's ruling? DENIED AS FRIVOLOUS SUMMARILY
- F. Date of court's ruling: August 27, 2007
- G. Did you appeal from the ruling on your petition? YES ☒ NO ()
- H. (a) If yes, (1) what was the result? HELD IN ABEYANCE OVER
 (2) date of decision: PETITIONER'S OBJECTIONS
- (b) If no, explain briefly why not: _____
- I. Did you appeal, or seek leave to appeal this decision to the highest state court?
- YES () NO ☒
- (a) If yes, (1) what was the result? _____
 (2) date of decision: _____
- (b) If no, explain briefly why not: CASE NEVER BRIEFED BY
APPOINTED COUNSEL WORKING IN COLLUSION WITH STATE.

Petition for Habeas Corpus Relief
 PART II - COLLATERAL PROCEEDINGS
 1 C ISSUES RAISED: (CONTINUED)

ELLIS PARTEE V. DONALD HULICK
 FEDERAL DISTRICT COURT - CHICAGO

A DELIBERATE DECEPTION OF COURT AND WIN A CONVICTION ON WHOLLY MANUFACTURED FALSE EVIDENCE; FALSE ARREST AND DELIBERATELY FALSE AND MISLEADING TESTIMONY OF A CHICAGO POLICE DETECTIVE ORCHESTRATED BY PROSECUTORS AND FORMER PROSECUTORS, WORKING WITH OTHER STATE ACTORS, TO OBTAIN INDICTMENT FOR CRIME ALREADY PLEA-BARGAINED OUT; TRIAL COURT MODIFIED JURY INSTRUCTION, CONSTITUTING A CONSTRUCTIVE AMENDMENT OF INDICTMENT IN VIOLATION OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION; THE TRIAL COURT VIOLATED PETITIONER'S SIXTH AMENDMENT RIGHT TO COUNSEL AT SENTENCING STAGE OF CASE; PETITIONER HAS A DUE PROCESS RIGHT FOR THE COURT TO ENFORCE A PLEA AGREEMENT IN WHICH STATE AGREED TO DISMISS CHARGE IN EXCHANGE FOR A PLEA OF GUILTY ON ANOTHER MATTER; STATE FAILED TO DISCLOSE MATERIAL EVIDENCE

Petition for Habeas Corpus Relief
 PART II - COLLATERAL PROCEEDINGS
 (C. ISSUES RAISED: (CONTINUED))

Ellis Pardee v. Donald Hulick
 FEDERAL District Court - Chicago

UNDER BRADY that was both EXCULPATORY AND that could
 be used for impeachment evidence; AND PETITIONER
 UNCONSTITUTIONALLY BEING DENIED EFFECTIVE ASSISTANCE OF
 COUNSEL WHERE COUNSEL COLLUDES WITH THE STATE TO
 VIOLATE PETITIONER'S FOURTEENTH AMENDMENT'S PROHIBITION
 FROM STATE ESTABLISHING A SYSTEM OF APPEALS AS OF
 RIGHT, but then REFUSING to provide EACH INDIVIDUAL
 with a FAIR opportunity for ADJUDICATION.

2. With respect to this conviction or sentence, have you filed a petition in a state court using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES (X) NO ()

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding PETITION FOR HABEAS CORPUS RELIEF
2. Date petition filed MAY 18, 2007
3. Ruling on the petition SUMMARILY DENIED
3. Date of ruling JUNE 2007
4. If you appealed, what was the ruling on appeal? HELD IN ADEQUATE OVER OBJECTIONS
5. Date of ruling on appeal _____
6. If there was a further appeal, what was the ruling? NO
7. Date of ruling on appeal _____

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in federal court?
YES () NO (X)

A. If yes, give name of court, case title and case number: _____

B. Did the court rule on your petition? If so, state

- (1) Ruling: _____
- (2) Date: _____

4. WITH RESPECT TO THIS CONVICTION OR SENTENCE, ARE THERE LEGAL PROCEEDINGS PENDING IN ANY COURT, OTHER THAN THIS PETITION?

YES () NO (X)

If yes, explain: _____

PART III - PETITIONER'S CLAIMS

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.

(A) Ground one DENIED FAIR & IMPARTIAL TRIAL AND EQUAL PROTECTION
Supporting facts (tell your story briefly without citing cases or law):

by STATE ACTORS who falsified documents, deliberately PRESENTED PERJURED AND MISLEADING testimony to the GRAND JURY to obtain indictment, MANUFACTURED EVIDENCE to obtain A CONVICTION FOR A CRIME which PETITIONER is ACTUALLY INNOCENT, AND DENY constitutional right to AN APPEAL AND post-conviction RELIEF in a matter which OFFENDS DUE PROCESS AFFORDED under the Constitution of the United States: CONSPIRED to ALTER RECORD AND PRODUCE FALSE POLICE REPORTS

(B) Ground two PLEA AGREEMENT PRECLUDED STATE FROM FALSE
Supporting facts:

ARREST AND INDICTING ON GREATER CHARGE ON SAME FACTS in violation of DOUBLE JEOPARDY: PETITIONER ACCEPTED the STATE'S offer to PLEAD GUILTY to CRIMINAL TRAVEL TO PROPERTY in exchange for having the MISDEMEANOR theft charge (the basis for the FUGITIVE for which he stands WRONGLY convicted) DROPPED before Judge MARVIN LUCKMAN on December 23, 2006. THE STATE RENEGED ON THE PLEA AGREEMENT AND CHANGED the RECORD of PROCEEDINGS in ORDER to ENGAGE in the foul practice of LYING to gain improper CONVICTIONS in CRIMINAL Court AT 26th & CALIFORNIA in Chicago.

SUPPORTING FACTS FOR
GROUND ONE (CONTINUED)

ELLIS PARTEE V. DONALD HULICK
FEDERAL DISTRICT COURT, N.D.

(A) Cook County Prosecutors and former prosecutors ARUNAS BUNITAS, KENNETH WADAS, HOGAN and others conspired with Chicago Police Detective ANNA GALL and her partner to make a false arrest of PETITIONER in courtroom 302 in the Criminal Courts Building in Chicago on February 8, 2006, PRESENTED DELIBERATELY false and misleading testimony to the GRAND JURY on March 1, 2006 to obtain an indictment for Burglary, unconstitutionally held in the Cook County Jail on a "no bond" status, bribed the trial Judge STANLEY JACKS to allow into evidence testimony of another crime manufactured on or about May 1, 2006, deny trial transcripts and an appeal from a conviction of charge initiated December 21, 2006 as a MISDEMEANOR (bapt and pleaded out on 12/22/06.

(C) Ground three

Supporting facts:

TRIAL COURT VIOLATED PETITIONER'S SIXTH
AMENDMENT RIGHT TO COUNSEL AT SENTENCING:

ON JUNE 23, 2006 THE TRIAL COURT APPOINTED ASSISTANT
 PUBLIC DEFENDER ADRIENNE DAVIS TO REPRESENT HIM AT SENTENCING
 AND POST-TRIAL MOTIONS. IN SEPTEMBER REMOVED HER BECAUSE
 PETITIONER WOULDN'T GO ALONG WITH THE "BOILER PLATE" MOTION
 HE TOLD HER TO FILE AND FAILED TO APPOINT OTHER COUNSEL.

(D) Ground four

Supporting facts:

STATE FAILED TO DISCLOSE MATERIAL EVIDENCE
THAT IS BOTH EXCULPATORY AND IMPEACHMENT EVIDENCE:

ARRESTING OFFICER DENISE GREEN WAS PRECLUDED FROM
 TESTIFYING ON PETITIONER'S BEHALF IN FURTHERANCE OF
 THE STATE WITHHOLDING BRADY MATERIAL, AND TO PROVE
 A STATE CONSPIRED FRAME-UP, AND HOTEL RECORDS
 DOCUMENTING THERE WAS NO BREAK-IN TO A MINI-BAR
 IN ROOM 2312 AS TOLD TO THE JURY IN ORDER TO PROVE
 INTENT TO BURGLARIZE ANOTHER ROOM.

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES () NO (X)

3. If you answered "NO" to question (16), state briefly what grounds were not so presented and why not:

STATE AVOID WITHHOLDING RECORD OF APPEAL IN ORDER
TO DENY STATE APPEAL AND OBSTRUCT JUSTICE.

PART IV - REPRESENTATION

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing PRO SE SUPERCEDED by indictment
- (B) At arraignment and plea PRO SE
- (C) At trial PRO SE
- (D) At sentencing PRO SE
- (E) On appeal Office of the State Appellate Defender
- (F) In any post-conviction proceeding Office of the Cook County Public Defenders
- (G) Other (state): PRO SE ON MANDAMUS to Illinois Supreme Court AND trial court, as well as state petition for HABEAS CORPUS relief

PART V - FUTURE SENTENCE AND Motion Nunc Pro Tunc

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES () NO ☒

Name and location of the court which imposed the sentence: _____

Date and length of sentence to be served in the future _____

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: April 1, 2008

(Date)

Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

Edis Portan

(Signature of petitioner)

15421
(I.D. Number)

MENARD, IL 62259
(Address)